

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ERMA GRANDISON, Individually and
on Behalf of All other persons similarly situated,

Plaintiffs,

-against-

NORTH GENERAL HOME ATTENDANT:
CORP. AND NORTH GENERAL HOSPITAL
CORP.

Defendants.
-----X

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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5-2-07

Index No: CV 06-2971 (VM)

STIPULATION OF STAY

WHEREAS, this Court previously granted the parties' joint request for a stay of the current proceedings on May 24, 2006, pending decision by the United States Court Appeals for the Second Circuit in *Coke v. Long Island Care at Home, Ltd*, Docket No. 03-7666("Coke");

WHEREAS, on August 31, 2006, the Second Circuit affirmed its previous decision in *Coke*, 462 F.3d 48 (2d Cir. 2006);

WHEREAS the Appellant-Defendant in *Coke*, petitioned the United States Supreme Court for a writ of certiorari, which the Supreme Court granted on January 5, 2007;

WHEREAS a final decision in *Coke* by the United States Supreme Court, is likely to affect the outcome of this action;

WHEREAS, the undersigned have agreed to defer further litigation in this case pending the Supreme Court's decision in *Coke*, and therefore, renew their Stipulation of Stay;

IT IS HEREBY stipulated by and between the undersigned that:

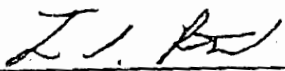
1. All further proceedings in this case shall be stayed until further order of this court.
2. Not later than thirty (30) days after the United States Supreme Court renders a decision in *Coke*, counsel shall communicate with this Court regarding the need for further proceedings in the instant action.
3. Defendant North General Service Corporation (improperly named in the Complaint as "North General Hospital Corp.") hereby acknowledges sufficiency of service and will not seek dismissal of the Complaint on that ground.
4. The statute of limitations applicable to participation by individuals identified in the Complaint as "Collective Action Members" shall be tolled from the date of execution of this Stipulation until this Court issues an order either dismissing this case or allowing this case to proceed, whichever occurs first.
5. Neither Plaintiff nor her counsel, either directly or indirectly or through any person acting on behalf of either of them, shall (a) solicit any current or former employee of Defendants, to join this action or to file in any other action against Defendants alleging claims for unpaid overtime or minimum wages; or (b) publicize, in any manner, the existence, nature or content of this action against Defendants.


Dated: New York, New York
March 8, 2007

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By: 
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By: 
Thomas S. Rosenthal (TR-8021)

<i>Request GRANTED. The stay previously</i>	
<i>issued in this action shall continue</i>	
<i>in effect in accordance with the terms of the</i>	
<i>Stipulation set forth above.</i>	
SO ORDERED:	
<i>5-1-07</i>	
DATE	VICTOR MARRERO, U.S.D.J.